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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,069	01/22/2001	Thomas Glenn Hall JR.	RIC00025	2505

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EXAMINER	
TON, ANTHONY T	

ART UNIT	PAPER NUMBER
2661	

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/768,069	HALL, THOMAS GLENN
	Examiner	Art Unit
	Anthony T Ton	2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21 and 23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-13 and 23* is/are allowed.

6)☒ Claim(s) *14-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 July 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

PHIRIN SAM
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 14, 15, 18** and **19** are rejected under 35 U.S.C. 102(e) as being anticipated by *Medhat et al.* (US Patent No. **6,314,103**) hereinafter referred to as *Medhat.*

a) **In Regarding to Claim 14**: *Medhat* disclosed a method for providing a point-to-multipoint service to control point-to-point connections using an intelligent network and a switched virtual circuit over an ATM network, the method comprising:

receiving a request from a calling party to establish a point-to-multipoint connection *(see col.8 lines 30-41: when multiple connections (hence point-to-multipoint connection) are required to setup a call (hence receive a request from a calling party); and see Fig.3: communication devices 202, 210 and 218, in which, the communication device 202 can*

communicate with both communication device 210 and communication device 218 (hence point-to-multipoint communications));

determining if the calling party is authorized to make point-to-multipoint connections *(see col.8 lines 30-41: call admission control determines at call setup whether to grant or to refuse a connection)*;

rejecting the request if the calling party is not authorized to establish point-to-multipoint connections *(see col.12 line 51-col.13 line 6: the call requiring the 1001th VC would have been rejected)*;

analyzing the request to determine if the bandwidth requested for the point-to-multipoint connection is within authorized bandwidth limits *(see col.8 lines 32-41: if sufficient resources are available to connect a call, and if the call assignment for a connection does not affect QoS of the existing call connections, then the connection is granted, when multiple connections (hence, point-to-multipoint connection) are required to setup a call, the CAC separately checks each VP/VC and VPG for a call);* and

rejecting the request if the bandwidth requested is not within authorized bandwidth limits *(see col.17 lines 23-36: if congestion would occur, allocated for VPs from the second and third bandwidth allocation systems 104B and 104C, then the signaling processor 110A will deny the connection for the next call (hence reject the request))*.

b) **In Regarding to Claim 15**: *Medhat* further disclosed the multi-service control point, in order to enforce policies regarding the establishment of point-to-multipoint connections, is further operable to perform the following:

allowing the point-to-multipoint connection to be established if the calling party is authorized to make point-to-multipoint connections and the bandwidth requested is within authorized bandwidth limits *(see col.10 lines 13-24: The VCs differentiate individual calls on a VP in a VPG between the interworking unit 112 and the cross connect 108 or the ATM devices 128 and 134, and they identify, for example, the destination of the call. For example, VP/VC "A" for a VPG may be provisioned (authorized) from the interworking unit 112 (hence the calling party is authorized to make a connection to a first point), through the cross connect 108, and "destined" for another interworking unit connected to the first ATM device 128 (the first point) over the connections 120 and 124. VP/VC "B" for the VPG may be provisioned (authorized) from the interworking unit 112, through the cross connect 108, and "destined" for another interworking unit connected to the second ATM device 134 (a second point) over the connections 122 and 130 (hence the calling party is authorized to make a connection to the second point; therefore, the calling party (communication device 106) is allowed for point-to-multipoint connections to ATM devices 128 and 134 as shown in Fig.1)).*

c) **In Regarding to Claim 18**: *Medhat* further disclosed a multi-service control point of the intelligent network *(see col.10 lines 57-67: provide significant processing or intelligent network functions).*

d) **In Regarding to Claim 19**: *Medhat* further disclosed the method is performed at an ingress of the ATM network *(see Fig.3: blocks 112A, 112B and 112C).*

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 16** and **17** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Medhat et al.* (US Patent No. **6,314,103**) in view of *Malek et al.* (US Patent No. **6,253,207**) hereinafter referred to as *Malek.*

a) **In Regarding to Claim 16**: *Medhat* disclosed all aspects of this claim as set forth in claim 14.

Medhat further disclosed the method further comprising:

receiving a leaf request from the calling party, and rejecting the leaf request if the maximum number of leaf nodes has been exceeded *(Medhat disclosed a call admission control "CAC" (MSCP) that determines at call setup whether to grant or to refuse a connection. If sufficient resources are available to connect a call, and if the call assignment for a connection does not affect QoS of the existing call connections, then the connection is granted. When multiple connections are required to setup a call, CAC separately checks each VP/VC and VPG for the call. The CAC may receive operations, administration, and maintenance "OAM" information and process the OAM information to determine connection availability and to determine service and resource allocation and control. See col.8 line 30-41).*

Medhat failed to explicitly disclose receiving a leaf request from the calling party to add a leaf node to the point-to-multipoint connection; and

analyzing the leaf request to determine a maximum number of leaf nodes would be exceeded if the leaf request were granted.

Malek explicitly disclosed such adding a leaf node to the point-to-multipoint connection *(see col.6 lines 44-48: the media may be utilized, for example, to add additional callers to a conference call in progress).*

At the time of the invention, it would be obvious to a person of ordinary skill in the art to combine such receiving a leaf request from the calling party to add a leaf node to the point-to-multipoint connection, as taught by *Malek* with *Medhat*, in order to provide a call setup for a calling party to another called party if bandwidth capacity in a broadband system is available. The motivation for doing so would have been to utilize a conference call in a communications network. Therefore, it would have been obvious to implement such claimed subject matters *Malek* with *Medhat* in the invention as specified in the claim.

Malek also explicitly disclosed such analyzing the leaf request to determine a maximum number of leaf nodes would be exceeded if the leaf request were granted *(see col.5 line 61-col.6 line 6: analyze types of media included in the session and network conditions, and will thereafter determine the desired capacity values)*

At the time of the invention, it would be obvious to a person of ordinary skill in the art to combine such analyzing the leaf request to determine a maximum number of leaf nodes would be exceeded if the leaf request were granted, as taught by *Malek* with *Medhat*, in order to limit capacity of communication devices in a communications system. The motivation for doing so would have been to utilize QoS and to avoid a congestion in a conference call. Therefore, it

would have been obvious to implement such claimed subject matters *Malek* with *Medhat* in the invention as specified in the claim.

b) **In Regarding to Claim 17**: *Medhat* disclosed all aspects of this claim as set forth in the claims 14 and 16.

Medhat failed to explicitly disclose the leaf request is provided as an ATM add party message.

Malek disclosed such a leaf request is provided as an ATM add party message *(see col.5 lines 2-19: The payload 234 contains user information, signaling information or operation (leaf request), ATM, a leaf node, VPI/VCI).*

At the time of the invention, it would be obvious to a person of ordinary skill in the art to combine such a leaf request is provided as an ATM add party message, as taught by *Malek* with *Medhat*, in order to integrate voice over ATM networks. The motivation for doing so would have been to provide more efficient use of bandwidth in communications networks and providing improved inter-stream synchronization between monomedia streams *(see Malek: col.2 lines 18-26).* Therefore, it would have been obvious to implement such claimed subject matters *Malek* with *Medhat* in the invention as specified in the claim.

6. **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Medhat et al.* (US Patent No. **6,314,103**) in view of *Poretsky* (US Patent No. **6,141,322**).

In Regarding to Claim 20: *Medhat* disclosed all aspects of this claim as set forth in claim 14.

Medhat failed to explicitly disclose the request includes information from an input ATM setup message.

Poretsky explicitly disclosed such a request includes information from an input ATM setup message *(see col.12 lines 40-43: an ATM call request, an ATM Setup message).*

At the time of the invention, it would be obvious to a person of ordinary skill in the art to combine such a request includes information from an input ATM setup message, as taught by *Poretsky* with *Medhat*, so that available bandwidth can be provided to a calling party for a setup connection throughout an ATM network. The motivation for doing so would have been to utilize bandwidth more efficiently. Therefore, it would have been obvious to implement such claimed subject matters *Poretsky* with *Medhat* in the invention as specified in the claim.

7. **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Medhat et al.* (US Patent No. **6,314,103**) in view of *Elliott et al.* (US Patent No. **6,614,781**) hereinafter referred to as *Elliott*.

In Regarding to Claim 21: *Medhat* disclosed all aspects of this claim as set forth in claim 14.

Medhat failed to explicitly disclose determining if the calling party is authorized to make point-to-multipoint connections is achieved using a profile associated with the calling party.

Elliott disclosed such determining if the calling party is authorized to make point-to-multipoint connections is achieved using a profile associated with the calling party *(see Fig.22C-1: step 2210; and see col.22 lines 60-64: customer profile to collect a specified number of digits from calling party, a soft switch site to instructs a gateway site for collecting*

account codes, and using the information in the customer profile, the soft switch site can use the Internet Protocol Device Control protocol to instruct the gateway site to collect a specified number of digits from a calling party (hence using a profile/customer profile associated with the calling party)).

At the time of the invention, it would be obvious to a person of ordinary skill in the art to combine such determining if the calling party is authorized to make point-to-multipoint connections is achieved using a profile associated with the calling party, as taught by *Elliott* with *Medhat*, in order to collect account codes of customers in broadband systems. The motivation for doing so would have been to query a customer profile database for retrieving the originating trigger plan associated with calling customer more efficiently. Therefore, it would have been obvious to implement such claimed subject matters *Elliott* with *Medhat* in the invention as specified in the claim.

Allowable Subject Matter

8. **Claims 1-13** and **23** are allowed.

Response to Remarks

9. Applicant's arguments filed on July 12, 2004 with respect to claims 1-21 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Examiner Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Anthony T Ton** whose telephone number is **571-272-3076**. The examiner can normally be reached on M-F: 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ken Vanderpuye** can be reached on **571-272-3078**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

by :

Anthony T. Ton
Patent Examiner
December 04, 2004

PHIRIN SAM
PRIMARY EXAMINER